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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,655	03/12/2001	Paul E. Bender	PA000422	2000

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
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EXAMINER

GEORGE, KEITH M

ART UNIT PAPER NUMBER

2663

DATE MAILED: 05/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,655

Applicant(s)

BENDER, PAUL E.

Examiner

Keith M. George

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,4,7,12,14 and 18 is/are rejected.
7) ☒ Claim(s) 2,3,5,6,8-11,13 and 15-17 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 12 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 7, 12, 14 and 18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Flynn, U.S. Patent 5,870,685, hereinafter Flynn.

3. Referring to claims 1, 7 and 18, Flynn teaches a simplified block diagram of a mobile station (100) in figure 4. Figure 4 clearly teaches a microprocessor (112) and a memory (114) coupled to the microprocessor. The microprocessor controls the overall operation of the mobile station through software and other information which are stored in the memory (the processor is operative on a plurality of computer readable instructions) (column 8, lines 41-43). The microprocessor takes one or more selected actions when the present capacity value (of the battery) reaches the low, critical and dead capacity values (column 11, lines 64-67). Once the low capacity value is reached (determine if sufficient time slots are available to receive a data packet prior to an outage), the microprocessor immediately sends a registration cancellation message to the serving base station so as to prevent the system from directing any incoming calls to the mobile station (generate an outage indicator to inhibit transmission wherein the outage indicator is transmitted from the mobile wireless apparatus via a reverse link) (column 12, lines 8-12).

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4. Referring to claim 4, Flynn teaches the apparatus described in reference to claim 1 above where it is clearly taught that the registration cancellation message (outage indicator) is associated with the anticipated outage due to the battery capacity approaching the dead level.

5. Referring to claims 12 and 14, Flynn teaches the method described in reference to claim 7 above and also clearly teaches that an alarm would warn the user of a low battery condition and optionally provide the user with an indication that, at this battery level, ongoing telephone calls or other activities of interests can be only sustained for an enumerated period of time (column 12, lines 3-7).

Allowable Subject Matter

6. Claims 2, 3, 5, 6, 8-11, 13 and 15-17 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith M. George whose telephone number is 703-305-6531. The examiner can normally be reached on M-Th 7:00-4:30, alternate F 7:00-3:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Keith M. George
13 May 2004



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 5/14/04